

LINCOLN/LANCASTER COUNTY PLANNING STAFF REPORT
for September 27,2006 PLANNING COMMISSION MEETING

PROJECT #: Change of Zone No. 06060

PROPOSAL: From AG Agriculture to AGR Agriculture Residential, generally located at S. W. 70th Street and W. Van Dorn Street.

LOCATION: Northeast of S. W. 70th Street and W. Van Dorn Street.

LAND AREA: 157.27 acres, more or less

EXISTING ZONING: AG Agriculture

WAIVER /MODIFICATION REQUEST: NA

CONCLUSION: Not in conformance with the Comprehensive Plan. Not consistent with the development pattern of the area. Contributing to acreage sprawl. The existing zoning is still appropriate. An existing 10 lot Community Unit Plan is in place.

<u>RECOMMENDATION:</u>	Denial
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GENERAL INFORMATION:

LEGAL DESCRIPTION: Lot 12 I.T. in the SW 1/4 in Section 36, T 10 N, R 5 E of the 6th P.M., Lancaster County NE. Legal Description attached.

EXISTING LAND USE: Ag land with roads “roughed in” for West Van Dorn Heights, SP# 05008.

SURROUNDING LAND USE AND ZONING:

North:	Ag land and two acreages, zoned AG Agriculture
South:	Acreages to the southwest, Ag land to the south, zoned AG Agriculture to the south and AGR to the southwest.
East:	Agriculture, Zoned AG Agriculture
West:	Agriculture and one farm residence, Zoned AG Agriculture

ASSOCIATED APPLICATIONS: Special Permit # 06052, 61 lot Community Unit Plan for West Van Dorn Heights.

HISTORY: An AG Community Unit Plan (SP #05008) was approved for 10 lots, including 24 Build-Through lots, in April 2005. Change of zone #3367 from AG to AGR withdrawn 12/22/04. Changed from AA Rural and Public Use to AG in 1979.

COMPREHENSIVE PLAN SPECIFICATIONS: The 2025 Plan shows this as Agriculture. This is in the Lincoln growth Tier II. The 2025 Comprehensive Plan states:

Currently, acreage development has occurred under two development scenarios: AG - Agricultural District (minimum of 20 acres per lot) and AGR - Agricultural Residential District (minimum of 3 acres per lot) with the possibility in both AG and AGR zoning districts of clustering units together in order to preserve more open space and agricultural areas and/or receive additional density bonuses under a community unit development. The complex issue of acreage development and other public objectives requires a large array of land use strategies (pg F 70)

Acknowledge the "Right to Farm" and preserve areas for agricultural productions throughout the county by designating specific areas in advance for rural residential so as to limit areas of potential conflict between farms and acreages (pg F 70)

Retain the current overall density of 32 dwellings per square mile (20 acre) for all agriculturally zoned land. Provide for an ability to divide two 3 acre lots per "40" acre parcel with conditions and administrative review and right of appeal. This would allow more flexibility for parcel size while retaining the overall density and assist in retaining farmable units of land. (F 70)

In determining areas of higher density rural acreage (200 units or more per square mile), numerous factors will be reviewed, such as but not limited to water and rural water districts, soil conditions, roads, agricultural productivity, land parcelization, amount of existing acreages, and plans for urban or town development. Acreages should develop in areas that best reflect the carrying capacity of that area for acreages. A performance criteria should be developed to review requests for acreage zoning and to determine where these standards can best be met. (F 70)

Development of a performance standard "point system" will allow the location of higher density rural acreage development in either "AG" or "AGR" where the review criteria can be met. This allows equal treatment across the county, maximum freedom of determination of marketing and sale, while locating those developments only in those areas where sufficient "points" can be accumulated to justify the development at the requested location." (F 71)

UTILITIES: There are no utilities or water districts in the area.

TOPOGRAPHY: Gently rolling hills, falling off to the north and east.

TRAFFIC ANALYSIS: W. Van Dorn is a paved county road. S.W. 70th and W. "A" streets are gravel county roads.

PUBLIC SERVICE: This area is served by the Lincoln Public School District #1, the South West Rural Fire District, and is in the Norris Public Power District service area.

REGIONAL ISSUES: Acreage development, rural sprawl, clustering and build-through.

ENVIRONMENTAL CONCERNS: The 1862 Nebraska City Steamwagon Road ran through or close to this parcel. The soil rating is approximately 5.87. This is not prime agriculture soil. There is no FEMA flood plain recorded on the site. There is a large farm pond and a water way across the land from northwest to east. Wetlands could be expected at these locations. There was an identified 16 acre parcel of Native Hay in the parcel to the north of this application. No animal feeding operations were identified in the immediate area.

AESTHETIC CONSIDERATIONS: n/a

ALTERNATIVE USES: An existing final plat based on the prior AG CUP is in the office for 9 lots. Farming or 7, 20+ acre parcels.

ANALYSIS:

1. This request is for a Change of Zone from AG to AGR on a 157.28 acre parcel.
2. Water information suggested the possibility of adequate quantity and poor quality .
3. This request is not in conformance with the Lincoln-Lancaster County Comprehensive Plan map which shows this as Agriculture.
4. The change of zone to AGR would permit up to 52 dwellings. An AGR CUP with bonuses could permit 75 dwellings. An associated application for an AGR CUP, a community waste treatment system and double 20% bonus shows 61 lots
5. If approved this will allow some 61 dwellings which are not provided for in the Plans of the City and County and will provide no direct benefit to the City of Lincoln in fees or taxes but in fact will aid in avoiding those payments to the City while using many city services. A recent report by the Planning Department noted 10 to 14% of new single family permits in the last five years had been occurring in unincorporated areas outside the City Limits, which is twice the percentage provided for in the Comprehensive Plan. A more than adequate supply of acreage lots is being made available through platting of land zoned AGR and AG/CUPs. Even with build-through, this is contributing to acreage urban sprawl and reinforcing requests to strip W. Van Dorn with acreage development.
6. Some acreage review issues can be addressed in this report:
 - a) Water/rural water,
There is no rural water district and the water report provided indicates poor quality and “adequate quantity should be possible”.

- b) Road access and paving,
W. Van Dorn Street is. a paved county road. W. A and S.W. 70th Street are gravel county roads.
- c) Soil rating,
The soil is not prime ag land of the county.
- d) Development of the area/land parcelization,
The surrounding land in this area is in substantially larger parcels of 40 and 80 acres in area except to the south west where AGR acreage development exists.
- e) Existing acreages,
There is one area of abutting acreage development to the southwest.
- f) Conflicting farm uses,
There are no conflicting farm uses noted in a field check.
- g) Environmental issues,
There is a pond and drainage way in the parcel. There is Native Hay on the north end of the parcel.
- h) Impact on other governmental entities,
This will increase demand for service on the Sheriff, Rural Fire, School, Roads and others. The level of impact is not known. Such rural development does not pay city property taxes.
- i) Plans of other towns,
This is not in conformance with the Lincoln Lancaster County Comprehensive Plan.

Prepared by:

Mike DeKalb, 441-6370, mdekalb@lincoln.ne.gov
Project Manager

DATE: September 14, 2006

APPLICANT: Mark Palmer
Olsson Associates
1111 Lincoln Mall, Suite 111
Lincoln, NE 68508
(402) 474-6311

OWNER: Layne, L.L.C.
C/O Aspen Builders
1640 Normandy Ct.
Lincoln, NE 68512
(402) 432-6811

CONTACT: Mark Palmer
(402) 474-6811

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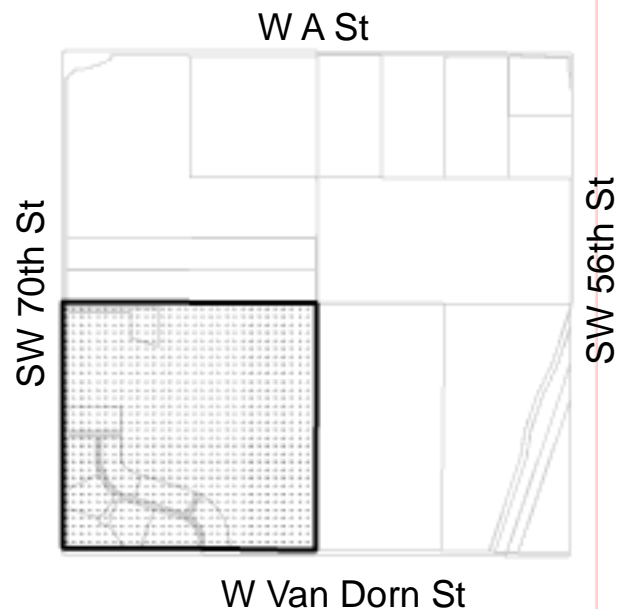
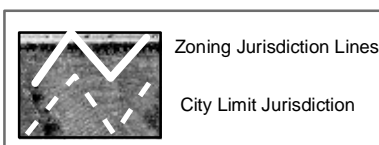
Special Permit #06052 & Change of Zone #06060
West Van Dorn Heights
SW. 70th and W. Van Dorn St.

2005 aerial

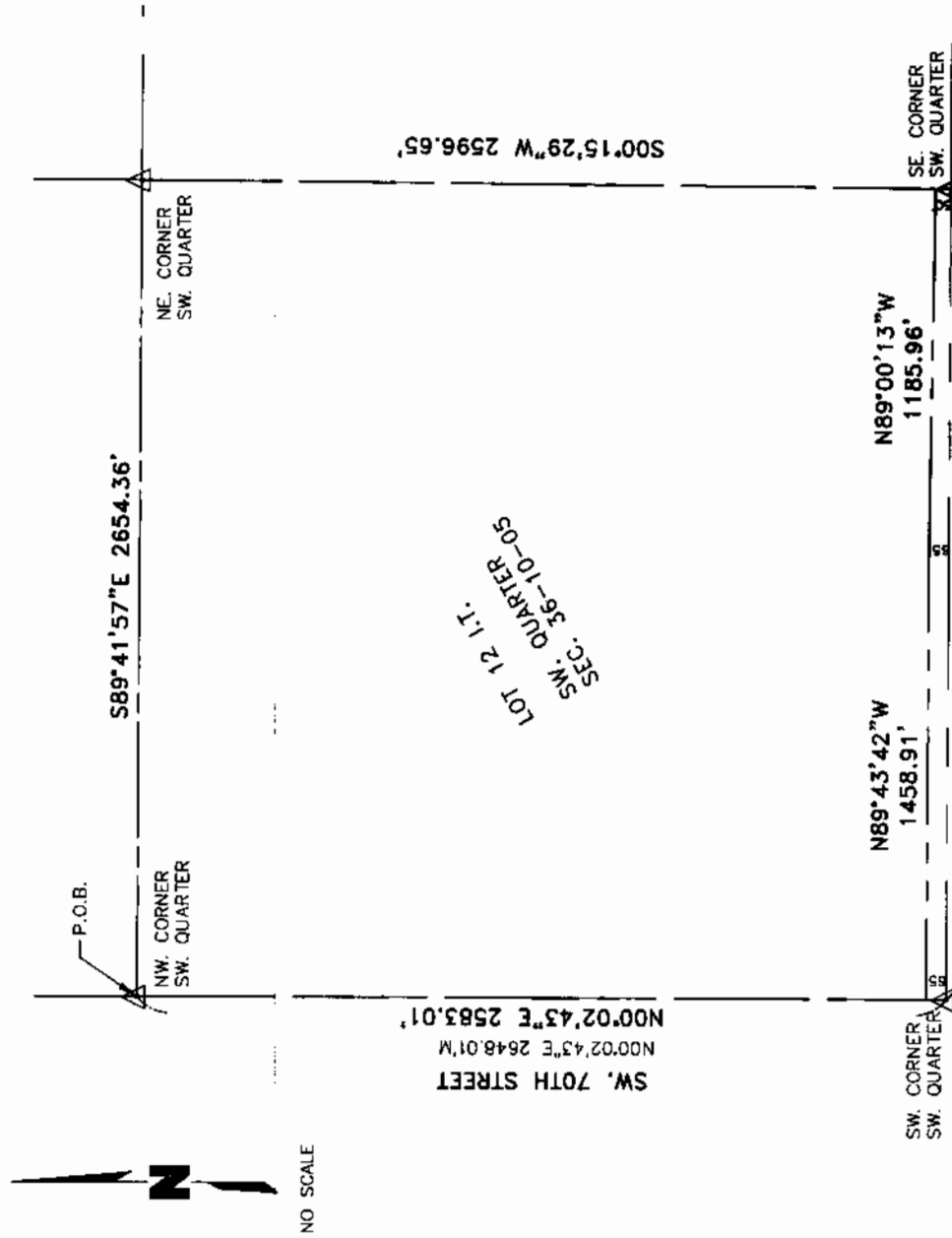
Zoning:

- R-1 to R-8 Residential District
- AG Agricultural District
- AGR Agricultural Residential District
- R-C Residential Conservation District
- O-1 Office District
- O-2 Suburban Office District
- O-3 Office Park District
- R-T Residential Transition District
- B-1 Local Business District
- B-2 Planned Neighborhood Business District
- B-3 Commercial District
- B-4 Lincoln Center Business District
- B-5 Planned Regional Business District
- H-1 Interstate Commercial District
- H-2 Highway Business District
- H-3 Highway Commercial District
- H-4 General Commercial District
- I-1 Industrial District
- I-2 Industrial Park District
- I-3 Employment Center District
- P Public Use District

One Square Mile
 Sec. 36 T10N R05E



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AUG 31 2006
LINCOLN CITY, LANCASTER COUNTY
PLANNING DEPARTMENT



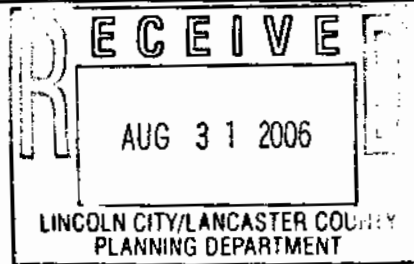
LEGAL DESCRIPTION

A PORTION OF THE SOUTHWEST QUARTER OF SECTION 36, TOWNSHIP 10 NORTH, RANGE 5 EAST OF THE 6TH P.M., LANCASTER COUNTY, NEBRASKA, AND MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHWEST CORNER OF SAID SOUTHWEST QUARTER, THENCE EAST ALONG THE NORTH LINE OF SAID SOUTHWEST QUARTER ON AN ASSUMED BEARING OF SOUTH 89 DEGREES 41 MINUTES 57 SECONDS EAST, A DISTANCE OF 2,654.36 FEET TO THE NORTHEAST CORNER OF SAID SOUTHWEST QUARTER; THENCE SOUTH 00 DEGREES 15 MINUTES 29 SECONDS WEST ALONG THE EAST LINE OF SAID SOUTHWEST QUARTER, A DISTANCE OF 2,596.65 FEET TO A POINT ON THE NORTH RIGHT OF WAY LINE OF W. VAN DORN STREET, SAID POINT BEING LOCATED 50.00 FEET NORTH OF THE SOUTHEAST CORNER OF SAID SOUTHWEST QUARTER; THENCE NORTH 89 DEGREES 00 MINUTES 13 SECONDS WEST, ALONG THE NORTH RIGHT OF WAY LINE OF SAID W. VAN DORN STREET, A DISTANCE OF 1,185.96 FEET TO A POINT THAT IS LOCATED 65.00 FEET NORTH OF THE SOUTH LINE OF SAID SOUTHWEST QUARTER; THENCE NORTH 89 DEGREES 43 MINUTES 42 SECONDS WEST, ALONG THE NORTH RIGHT OF WAY LINE OF SAID W. VAN DORN STREET, SAID LINE ALSO BEING 65.00 FEET NORTH OF AND PARALLEL TO THE SOUTH LINE OF SAID SOUTHWEST QUARTER, A DISTANCE OF 1,458.91 FEET TO A POINT ON THE WEST LINE OF SAID SOUTHWEST QUARTER; THENCE NORTH 00 DEGREES 02 MINUTES 43 SECONDS EAST, ALONG THE WEST LINE OF SAID NORTHWEST QUARTER, A DISTANCE OF 2,583.01 FEET TO THE POINT OF BEGINNING.

SAID TRACT CONTAINS A CALCULATED AREA OF 6,850,912.61 SQUARE FEET OR 157.28 ACRES, MORE OR LESS.

**Special Permit #06052 & Change of Zone #06060
West Van Dorn Heights
SW. 70th and W. Van Dorn St.**



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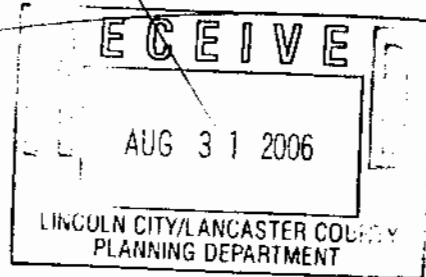
**Special Permit #06052 & Change of Zone #06060
West Van Dorn Heights
SW. 70th and W. Van Dorn St.**

MOLSSON
ASSOCIATES

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P.O. Box 64608
Lincoln, NE 68501-4608
TEL 402.474.6311
FAX 402.474.5180

EXHIBIT

1



August 31, 2006

Mr. Marvin Krout
Planning Department, City of Lincoln
County-City Building
555 South 10th Street
Lincoln, NE 68508

Re: West Van Dorn Heights Community Unit Plan
OA Project No. 2006-0442

Dear Mr. Krout,

Enclosed please find the following for the above-mentioned project:

1. Site Plan - 21 copies.
2. Drainage and Grading Plan - 9 copies.
3. Street Profile Plans - 5 copies.
4. City of Lincoln Change of Zone Application and Exhibit
5. City of Lincoln Application for Special Permit (C.U.P.)
6. \$1,775 for City Applications (61 lots @ \$25 + \$250)
7. Water Report - 3 Copies
8. Storm Water Memo
9. Ownership Certificate
10. 8-1/2" x 11" Reductions of Plans

On behalf of the developer, Layne, L.L.C, I am submitting the attached Community Unit Plan for your review and requesting the change of zone from AG to AGR zoning.

West Van Dorn Heights was previously approved as an AG Community Unit Plan that allowed 10 single family lots. If this change of zone and C.U.P. is approved, I am requesting that the AG C.U.P. be rescinded.

West Van Dorn Heights is located at the northeast corner of S.W. 70th and W. Van Dorn Street. The site contains approximately 157 acres and is currently zoned AG. We are proposing to change the zone to AGR and develop 61 acreage style lots. Each lot will have its own water well, and the site will have a community wastewater system. The private roadways within the development will be 6" thick asphalt. The Community Unit Plan has been designed to the AGR "Build-thru" design standards.

We have met with Planning staff, Public Works staff, and the County Engineer to review this project. We have modified our plans based upon the feedback received at those meetings. Our

Mr. Marvin Krout
August 31, 2006
Page 2 of 2

access points are S.W. 65th Street off West Van Dorn Street and West Benilli Lane off S.W. 70th Street. We propose to asphalt S.W. 70th street to West Benilli Lane using the RUTS format and paving the eastern lanes of the future arterial roadway. The paving of S.W. 70th street would be constructed when West Benilli Lane is platted to connect to S.W. 70th Street. We propose to construct a fly-by lane in West Van Dorn Street to accommodate left turning vehicles at S.W. 65th Street.

We are requesting a 20% C.U.P. bonus and a 20% community wastewater system bonus.

We are requesting the customary waivers to the land subdivision ordinance for block length, sidewalks, street trees, street lighting and landscape screening, as this is an acreage style development and is not being annexed into the City of Lincoln at this time.

We are also requesting the following additional waivers:

1. A waiver to the minimum width to depth ratio for lots in the transitional plat.
2. To allow sanitary sewer to flow opposite street grades where necessary to serve all lots.

Please contact me if you have any questions or require additional information.

Sincerely,

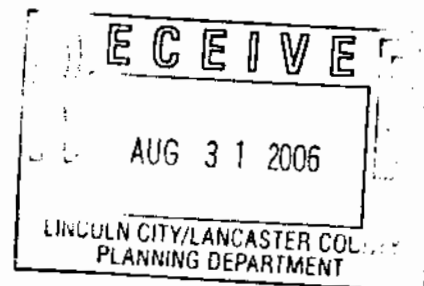


Mark C. Palmer, PE

Encls

cc Bob Benes, Aspen Builders
Kent Seacrest, Seacrest & Kalkowski, P.C.

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Lancaster

County

Engineering

Department

DON R. THOMAS - COUNTY ENGINEER

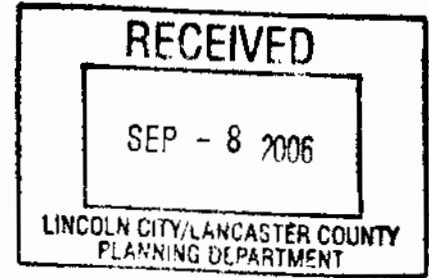
DEPUTY- **LARRY V. WORRELL**
COUNTY SURVEYOR

DATE: September 7, 2006

TO: Mike DeKalb
Planning Department

FROM: Larry V. Worrell
County Surveyor

SUBJECT: WEST VAN DORN HEIGHTS
CZ 06060 SP 06052



Upon review, this office would have the following comments:

- 1) West Van Dorn shall be regraded for the left turn lane with 4' shoulders. Details should be shown for the design of the left turn lane.
- 2) Concrete pavement shall be installed as approved by Public Works.
- 3) Developer shall install survey monument boxes at all centerline control points and set centerline control upon acceptance of the paving.
- 4) Developer shall be responsible for transitional grading of SW 70th Street north of West Benelli Lane and RUTS design south of West Benelli Lane. The RUTS design will require additional right-of-way on the west side of SW 70th Street.
- 5) Developer shall be responsible for the installation of all street identification signs and traffic control as designated by this office during staging of final plats.
- 6) *General Note 32* should be revised since there is no flood plain on the property.
- 7) *General Note 33* is not needed in light of *General Note 19*.
- 8) The end treatments described in *General Note 22* are not required for private drives, but are required for private roadways.
- 9) The notes under the Typical Cross-Section for Rural & Intermediate BTA do not apply.

WEST VAN DORN HEIGHTS
CZ 06060 SP 06052

- 10) The minimum culvert size under the roadway is 24". Culvert 2 and 10 are too small.
- 11) Drainage area hydrology and culvert hydrologys shall be included on the drainage plans.
- 12) The maximum profile grade is 7.0%. The grade of 8.0% on West Hallowell Lane is too steep.
- 13) The approach grade of SW 65th Street (south leg) at West Remington Drive should be 3.0% or less.
- 14) The radius of the returns at NW 70th Street and at West Van Dorn Street shall be 50 feet. Interior returns shall have 30 feet radius.